

alleged that he was advised that the high Court of Chancery in England did not give releife in any Suite where the substance thereof tended to the overthrowing of any fundamentall point of the Comon Law or to overthrow or take from other Courts their Peculiar Jurisdiction but the judging and Concludeing the Def.^{ts} Said noate or letter (wherein he promised his said Brother should give the Comp.^{lt} good assurance of the premisses) to amount to Generall Warrant is directly Repugnant and in overthrowe of a fundamentall point of the Comon Lawe (to which the Def.^t Thomas conceived the people of this Province were Subject there being noe Law in the Same Contrarij thereunto) for as much as the agreement between the Comp.^{lts} and Def.^t Nathaniell was for part Tobacco and part Land and in Licu of the Said one Thousand Acres which was an Exchange in Lawe as to amoiety that could not be Capable of nor Subject to Generall Warranty being against the nature of Such Estate but onely Lyable to Speciall Warranty the Judgment and Construction whereof properly and peculiarly apperteynes to the Provinciaall Court And for as much as noe Decree of this Court once Enrolled could be reveised or altered but by bill of review unlesse in Causes of this nature where the case was demonstrative the Petitioner humbly be sought his honnour the Governour to putt a Stopp to all further proceedings upon the said Decree untill the matter should be Reheard before the Governour and the whole Councill in the next Generall Assembly, Chancery or Provinciaall Court whereupon upon Consideration had of the Petition by his honnour the Governour he thought itt Just and Equitable that the Proceeding in the cause between the Comp.^{lts} and Defend.^t be fully Stopt as to any thing relateing to the Decree within mentioned untill the end of of the then next provinciaall Court Soe that the Defend.^t or his Councell might have tyme to be heard Upon the matter Conteyned in the Same Petition and did therefore order and require the Honourable Phillip Calvert Esq.^r Chancellor to Surcease any further proceedings upon the said Decree untill the End of the then next provinciaall Court and the Comp.^{lts} attorneys this day alleadging that the said Petition was meerly putt in for delaij to Stay the Signing and inrolling of the said Decree and that there had passed one Court to witt ffebruary Court and the Defend.^t nor his Councill did in the least Stirr or move the Court to be heard therein and the Comp.^{lts} Attornij offering severall Reasons against the Said Petition and the staying of the Inrolling of the Decree aforesaid this Court thereupon and upon reading of the said Petition and order thereupon and what was alleadged on either side was Sufficiently Satisfied that the matters in the said Petition mentioned had beene fully argued att the hearing of the cause and therefore they Thought not fitt to recede from their former order but doth Order that the said former order and decree